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MEMO ENDORSED

May 7, 2008

Via Facsimile (914) 390-4152

United States District Court
Southern District of New York
300 Quarropas Street, Chambers 533
White Plains, New York 10601-4150
Attention: Judge Kenneth M. Karas

USDS SDNY
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DATE FILED: _____

Re: **NOVELLA v. FERGUSON, et. al.**
08-CV-0149
Our File No.: A-5213

Dear Judge Karas:

This correspondence is submitted in reply to the correspondence of Attorney Ingarra.

Attorney Ingarra is not the plaintiffs' attorney of record. Attorney Ingarra is not listed on the docket, nor has this law firm ever been served with a Consent to Change Attorney. Should this Honorable Court permit the discontinuance of the Federal Court action, it is imperative that plaintiffs' attorney of record be compelled to sign the discontinuance.

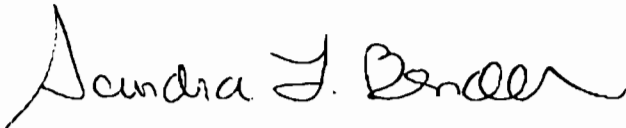
Moreover, all pleadings and discovery served by this law firm were served to best protect the interests of the defendants. The Answer with Jury Demand was served to avoid default. The First Set of Interrogatories and the Rule 26 disclosure was served as mandated by the Federal Rules of Civil Procedure.

SHAPIRO, BEILLY, ROSENBERG & ARONOWITZ, LLP

May 7, 2008
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Southern District of New York
Att.: Judge Kenneth M. Karas
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Thank you for your consideration of this matter.

Very truly yours,


SANDRA L. BONDER(SB 3492)

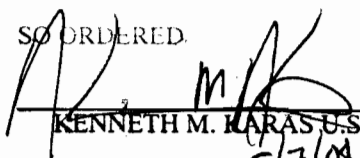
SLB/kdf

cc: Jean Donoghue, Esq.
(via facsimile 732-286-6650)

Law Offices of
Joseph Ingarra, Esq.
(via facsimile 845-331-7817)

While the Court is sympathetic to Ms. Bonder's point, it appears from the letters attached to Mr. Ingarra's May 7 letter to the Court, that there is plenty of blame to go around for Ms. Bonder being unaware of Plaintiff's intentions. Mr. Ingarra notified two courts and his predecessor about Plaintiff's desire to withdraw her federal case. Accordingly, the Court finds that sanctions are inappropriate under these circumstances, and respectfully directs, on the consent of the parties, that the clerk close this case.

SO ORDERED.


KENNETH M. KARAS U.S.D.J.
5/7/08

TOTAL P.003